

House Bill 1651 (AS PASSED HOUSE AND SENATE)

By: Representative Hatfield of the 177th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the Satilla Regional Water and Sewer Authority, previously known
2 as the Ware County Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001,
3 Ex. Sess., p. 705), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003,
4 p. 3689), so as to provide for the composition and selection of the members of the authority;
5 to provide for the appointment, term, and evaluation of an executive director; to provide for
6 certain duties of the authority; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating the Satilla Regional Water and Sewer Authority, previously known as the
11 Ware County Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001, Ex. Sess.,
12 p. 705), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3689),
13 is amended by striking subsections (b) through (f) of Section 2 and inserting in lieu thereof
14 new subsections (b) through (h) to read as follows:

15 "(b) The authority shall consist of four members who shall be elected by the consumers of
16 the authority, as provided in subsection (d) of this section, and a fifth member who shall
17 be the chairperson of the Board of Commissioners of Ware County or, in the event that
18 such chairperson is unable or unwilling to serve, another member of the Board of
19 Commissioners of Ware County as designated by proper resolution of the Board of
20 Commissioners of Ware County. The chairperson of the Board of Commissioners of Ware
21 County or his or her designated substitute shall serve as an ex officio member of the
22 authority with all the rights, privileges, and immunities of an elected member of the
23 authority. The term of office, as a member of the authority, of the chairperson of the Board
24 of Commissioners of Ware County or his or her designated substitute shall run concurrently
25 with the elected term of office of the chairperson of the Board of Commissioners of Ware

1 County. Each member of the authority who is serving as a member of the authority as of
2 the effective date of this section shall serve out the remainder of the five-year term to
3 which such member was most recently appointed by the Board of Commissioners of Ware
4 County and until such member's successor is duly elected and qualified as provided in
5 subsection (d) of this section. Successors shall be elected as provided in subsection (d) of
6 this section. Each successor shall thereafter take office on the first day of August for a
7 term of four years and until his or her respective successor is duly elected and qualified as
8 provided in subsection (d) of this section. No member of the authority may be elected to
9 succeed himself or herself for more than one consecutive elected term of office.
10 Immediately after taking office, the members of the authority shall enter upon their duties.
11 The members of the authority shall be entitled to compensation for their services in an
12 amount which shall be determined by the authority and which shall not be less than \$50.00
13 per meeting attended, payable in monthly payments, and all members shall additionally be
14 reimbursed for their actual expenses necessarily incurred in the performance of their duties.
15 The authority shall have the power to establish bylaws and to promulgate and adopt rules
16 and regulations necessary or desirable for the management and operation of the authority.
17 (c) In the event that the authority should expand its provision of services to any other
18 county or municipality in accordance with the provisions of this Act, the chief elected
19 executive officer of such county or municipality or, if such chief elected executive officer
20 is unable or unwilling to serve, another member of the board of commissioners of such
21 county or municipality as designated by proper resolution of the board of commissioners
22 of such county or municipality shall serve as an ex officio member of the authority with all
23 the rights, privileges, and immunities of an elected member of the authority. The term of
24 office, as a member of the authority, of the chief elected executive officer of such county
25 or municipality or his or her designated substitute shall run concurrently with the elected
26 term of office of the chief elected executive officer of such county or municipality. If the
27 addition as a member of the authority of a chief elected executive officer of a county or
28 municipality or his or her designated substitute should result in an even number of
29 members of the authority, then there shall be added to the authority one additional member
30 who shall be elected by the consumers of the authority as provided in subsection (d) of this
31 section. Such additional elected member shall be subject to the same terms and conditions
32 of office as set forth in subsection (b) of this section, except that such additional elected
33 member shall enter upon his or her duties immediately upon his or her election and shall
34 serve a term of office extending until four years from the first day of August immediately
35 following his or her election and until his or her successor is duly elected and qualified as
36 provided in subsection (d) of this section.

1 (d) For purposes of electing members of the authority, each person, firm, corporation, or
2 other entity having an account with, and receiving services from, the authority shall be
3 entitled to cast one vote for each such account maintained with the authority in accordance
4 with the following procedures:

5 (1) Each natural person holding an account individually shall be required, as a
6 precondition to submitting or signing a petition for the nomination of a candidate and to
7 receiving a voting ballot for the applicable account, to provide to the authority in writing
8 his or her full name and social security number, as well as his or her accompanying
9 sample handwritten signature;

10 (2) Any account holder, including multiple concurrent holders of a single account, other
11 than a natural person holding an account individually shall be required, as a precondition
12 to submitting or signing a petition for the nomination of a candidate and to receiving a
13 voting ballot for the applicable account, to file with the authority a written designation
14 of the full name and social security number of the natural person authorized to submit or
15 sign petitions for the nomination of candidates and to cast votes on behalf of such
16 account, and to provide an accompanying sample handwritten signature of such natural
17 person; provided that the authority shall be required to immediately notify in writing the
18 account holder, by certified mail, return receipt requested, directed to the account holder's
19 billing address on file with the authority, of the receipt by the authority of conflicting
20 designations of natural persons authorized to submit or sign petitions for the nomination
21 of candidates and to cast votes on behalf of such account; and further provided that the
22 authority shall not provide a voting ballot to any such account holder unless and until the
23 authority receives satisfactory written evidence from such account holder of the
24 resolution of any such conflicting designations;

25 (3) Prior to each election for the position of a member of the authority, the authority shall
26 establish a period of time for the submission of nominations of candidates. Each sitting
27 member of the authority shall be entitled to nominate one candidate. Additionally, any
28 account holder complying with the provisions of paragraph (1) or (2) of this subsection
29 shall be entitled to submit one petition for nomination of a candidate, provided that such
30 petition, to be valid, shall be accompanied by the signatures of at least 50 other account
31 holders complying with the provisions of paragraph (1) or (2) of this subsection.
32 Following the close of the nominations period, the authority shall designate for inclusion
33 on the election ballot the name of each candidate nominated by a sitting authority
34 member, as well as the name of each candidate for which a valid petition for nomination
35 was submitted;

(4) In addition to the names of the candidates, the election ballot shall contain spaces for the full name, social security number, and handwritten signature of the account holder as designated in paragraphs (1) and (2) of this subsection. The election ballot shall be submitted by the authority to each account holder complying with the provisions of paragraph (1) or (2) of this subsection by mailing such ballot, with the account holder's monthly authority bill, to each account holder at such account holder's billing address on file with the authority. After voting for one candidate and providing the account holder's full name, social security number, and handwritten signature, the account holder shall seal the ballot in an envelope addressed to the auditor of the authority and shall mail or hand deliver such ballot to the auditor of the authority at such address as may be designated by said auditor. No ballot shall be counted which is not actually received by or on behalf of the auditor at the address designated by the auditor on or before the due date of the account holder's bill. No account holder shall submit his or her monthly authority bill payment in the envelope containing the completed ballot which is submitted to the auditor. The auditor of the authority shall tabulate the election ballots; provided, however, that the auditor shall not count any ballot which, in the judgment of the auditor, has been fraudulently prepared or fraudulently submitted or which otherwise fails to comply with the procedural requirements set forth in paragraphs (1) through (4) of this subsection; and

(5) The candidate receiving the greatest number of votes shall be elected as a member of the authority, provided that such candidate must also receive a majority of the votes cast. In the event that no candidate receives a majority of the votes cast, then the names of the candidates having the two greatest numbers of votes shall be submitted to the consumers of the authority on a runoff ballot in accordance with paragraph (4) of this subsection. Thereafter, the candidate receiving a majority of the votes cast in such runoff shall be elected as a member of the authority.

(e) If a vacancy by reason of death, disqualification, resignation, or other reason occurs with respect to a member, the consumers of the authority shall be entitled to elect a member, through the provisions of subsection (d) of this section, to fill the unexpired term of the member whose position has been vacated; provided, however, that, in the event that the length of such unexpired term shall be less than 180 days, the sitting members of the authority shall select a member to fill the unexpired term of the member whose position has been vacated. A vacancy shall exist in the office of any member who is convicted of a felony or who enters a plea of nolo contendere thereto; who is convicted of a crime involving moral turpitude or enters a plea of nolo contendere thereto; who discontinues his or her account and services with the authority as a consumer of the authority; who is

1 convicted of any act of misfeasance, malfeasance, or nonfeasance of his or her duties as a
2 member of the authority; or who fails to attend any regular or special meeting of the
3 authority for a period of six months without excuse approved by a resolution of the
4 authority.

5 (f) To be eligible for election as a member of the authority, a person shall be at least 21
6 years of age; shall have an account with, and receive services from, the authority as a
7 consumer of the authority; and shall not have been convicted of a felony.

8 (g) The members of the authority shall elect one of their number as chairperson and
9 another as vice chairperson. The members of the authority shall also elect a secretary, who
10 need not be a member of the authority, and may also elect a treasurer, who need not be a
11 member of the authority. The secretary may also serve as treasurer. If the secretary or
12 treasurer is not a member of the authority, such officer shall have no voting rights. Each
13 of such officers shall serve for a period of one year and until their successors are duly
14 elected and qualified. The chairperson of the authority shall be entitled to vote upon any
15 issue, motion, or resolution presented.

16 (h) A majority of the total number of members of the authority shall constitute a quorum.
17 No vacancy on the authority shall impair the right of the quorum to exercise all of the rights
18 and perform all of the duties of the authority."

19 **SECTION 2.**

20 Said Act is further amended by inserting a new Section 4.1 to read as follows:

21 "SECTION 4.1.

22 The authority shall have the complete responsibility for the maintenance and upkeep of the
23 equipment owned by the authority, including, but not limited to, any and all fire hydrants;
24 provided, however, that, as to fire hydrants, the authority shall not be responsible for the
25 maintenance and upkeep of any equipment not owned by the authority or any portion of the
26 right of way not belonging to the authority."

27 **SECTION 3.**

28 Said Act is further amended by inserting a new Section 4.2 to read as follows:

29 "SECTION 4.2.

30 The authority shall appoint an executive director who shall serve at the pleasure of the
31 authority. The authority shall conduct an annual performance review of such executive
32 director. In the event that the authority chooses to enter into a contract of employment with

1 such executive director, such contract of employment shall not be longer than one year in
2 duration, but shall be renewable by the authority for additional one-year periods upon a
3 finding of satisfactory performance by such executive director in each annual performance
4 review by the authority."

5 **SECTION 4.**

6 Said Act is further amended by inserting a new Section 24.1 to read as follows:

7 "SECTION 24.1.

8 The authority shall provide, upon customer request, a written receipt to the customer
9 showing the actual date on which a payment from the customer to the authority was
10 received by the authority. The authority is authorized to charge a late fee in an amount not
11 to exceed \$5.00 in the event that a bill is not paid in full by the due date specified on the
12 authority's written billing. Only when a customer's bill remains unpaid or outstanding
13 after 15 days beyond the due date may the authority disconnect service to such customer
14 for nonpayment of a bill. In the event that service is disconnected for nonpayment of a bill
15 pursuant to this section, the authority is authorized to require the payment of a reconnection
16 fee in an amount not to exceed \$10.00, as well as the payment of any outstanding late fee,
17 prior to the reconnection of the service at the request of the customer."

18 **SECTION 5.**

19 All laws and parts of laws in conflict with this Act are repealed.